DOCKET NO.: MSFT-2949/307005.01
Application No.: 10/775,624
Office Action Dated: September 25, 2007

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

REMARKS

In summary, claims 1-33 are pending. Claims 19-26 and 32-33 are rejected under 35 U.S.C. 35 § 101. Claims 1-33 are rejected under 35 U.S.C. 35 § 102(e). Applicant respectfully traverses the rejections. Claims 1, 11, 19, 27, and 32 are hereby amended. No new matter is added.

Claim Rejections - 35 U.S.C. §101

Claims 19-26 and 32-33 are rejected under 35 U.S.C. § 101 as not being limited to statutory subject matter because the claims are asserted to "recite a computer program which is per se, i.e., the description or expressions of the program are not physical things nor are they statutory process as they do not act being performed." Applicant respectfully submits that previous amendments have not been taken into consideration.

In the previous Office Action response, Applicant amended claims 19-26 and 32-32, to recite a "computer-readable storage medium." More precisely, the preamble of claim 19, for example, recites:

> A **computer-readable medium** having computer-executable
> instructions for performing a method of communicating between a
> server process, a client process and a debugger process in a distributed
> database environment, the method comprising: ... (Emphasis Added)

Applicant submits that the relevant claims, as previously amended, are directed to a computer readable medium. A computer readable medium is a physical, tangible entity, which clearly is statutory subject matter under 35 U.S.C § 101. As can be seen from Applicant's specification on page 8, first and second paragraphs, the physical and tangible computer readable media as now claimed, includes, for example, ROM 131, Ram 132, Hard disk drive 141, Magnetic disk 152, and Optical disk 156. Applicant submits that the relevant claims as currently amended are related to subject matter that is tangibly embodied.

Further, Applicant submits that the test to determine if subject matter is statutory under 35 U.S.C. § 101 is not merely whether the subject matter is tangibly embodied, but

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includes whether the claimed invention as a whole produces a useful, concrete and tangible result. Further, "Office personnel have the burden to establish a prima facie case that the claimed invention as a whole is directed to solely an abstract idea or to manipulation of abstract ides, or does not produce a useful result. Only when the claim is devoid of any limitation to a practical application in the technological arts should it be rejected under 35 U.S.C. § 101." Manual of Patent Examining Procedure § 2106, Ed 8, Rev 2 (May 2004).

Claims 19-26, and 32-33 are not devoid of a limitation to a practical application. Claims 19-26 and 32-33 are directed to improved data processing and architecture for debugging application logic in connection with a database. Improved data processing and improved architecture for debugging application logic in connection with a database can result in quicker response times and more correct and efficient queries. These results are useful, concrete, tangible, and a practical application and improvement in the technological arts.

Applicant respectfully requests withdrawal of the rejection to claims 19-26 and 32- 33 under 35 U.S.C. § 101.

Claim Rejections - 35 U.S.C. §102(e)

Claims 1-33 stand rejected under 35 U.S.C. § 102(e) to Al-Azzawe, US Patent 7,155,426, hereinafter referred to as Al-Azzawe.

The independent claims have been amended to more clearly recite the forms of the invention disclosed in the application and no new matter has been added. Added limitations can be found in the specification on page 14, second full paragraph, and in Figure 4B. Each of the independent claims now include a recitation regarding the use of the inventive system and methods to the debugging of server, client, and debug processes, each located on a separate computer. Such architecture is not shown or described in Al-Azzawe. Applicant's claimed invention enables debugging of server activity to any SQL server connection. Such an architecture is not shown or described in Al-Azzawe.

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Rebuttal to Office Action's Responses to Previous Arguments

Regarding Argument II-- the previous argument of Applicant is respectfully maintained.

The present invention, as recited by the claims, utilizes debugging of managed code, which managed code is vastly different than the compiled code of Al-Azzawe. In embodiments with managed code, such managed code is code that has its execution managed, for example by a .NET framework Common Language Runtime, and is not pre-compiled as conventionally understood, but compiled just-in-time (JIT). A more complete discussion of managed code is found in the specification. Managed Code is more than just safe code, but one that is protected or strictly controlled from other processes, be it other server processes, client processes, and others.

Applicants submit that no teaching, discussion, or suggestion to debugging managed code, as utilized in the present invention, is found in Al-Azzawe.

With the claimed ability to debug managed code, more than one client may be debugged on the server at once, communications may take place via HTTP, and dynamic non-persistent code may be debugged, corrected, and verified. Actually, Al-Azzawe attempts to avoid the use of TCP/IP protocol (as opposed to the present invention), as Al-Azzawe suggests such TCP/IP would introduce additional complexity and communication overhead into the system (Col. 10 line 58- Col. 11 line 12).

Additionally, extending now from the previous argument, the now as claimed separation of the client, server, and debugger processes, each operating on a separate computer utilizes the managed code aspect to strictly protect each of the processes from themselves, and from other processes involved on the server computer. This managed code aspect protects the different recited computers between themselves and other computers 200a in the system.

Additionally, as now claimed, the debugger process, running on a computer, may connect to the server process running on a different computer, which allows the system to

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debug logic and code from a client process on yet another different computer, separate from the debug and server computers.

Applicant submits that Al-Azzawe does not show or teach such invention as now recited in the amended claims.

Regarding Previous Argument VI which involves claims 6-8,10,14-16, 22-24 and 26 - the previous argument of Applicant is respectfully maintained.

The Office Action maintains that Al-Azzawe suggests detecting a transition between T-SQL and managed code which detection is communicated to the debugger (Al-Azzawe Col. 2, lines 56-65). The Office action interprets the reference "that this sort of detection is done by monitoring by debugger manager with debugger engine." Final Office Action Page 6, last 2 lines.

Applicant respectfully submits that neither at the location cited by Office Action, nor anywhere in the Al-Azzawe reference, is there reference or teaching that the debugger is aware or detects a transition between T-SQL Code and Managed Code. No showing either in the Al-Azzawe specification or drawings is there any indication of the detection by the debug manager or debug engine of the transition between such recited code types. As no showing of the recited claim language can be found in the cited reference, the anticipation rejection to these claims can not stand. Applicant respectfully requests withdrawal of the rejection, under 35 U.S.C. § 102, of claims 6-8,10, 14-16, 22-24 and 26.

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CONCLUSION

It is requested that the forgoing amendments, arguments, and remarks be entered, and in view thereof, it is respectfully submitted that this application is in condition for allowance. Reconsideration of this application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow this application for any reason, the Examiner is encouraged to contact the undersigned attorney to discuss resolution of any remaining issues.

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